

**REMARKS**

Reconsideration and allowance of the subject application in view of the following remarks is respectfully requested. Entry of the amendment is warranted under Rule 116 because only arguments have been presented and the claims have not been amended.

Claims 1-18 remain pending in the application. Applicant appreciatively notes that claims 1-6, 10-16 and 18 have been allowed.

Claims 7-9 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hehlen et al (US 6, 580, 842). Applicant respectfully transverses this rejection.

Claim 7 is directed to a device for positioning an optical component between two optical fibers at their end with lenses, comprising: a support through which is fixed a capillary tube, the support having a blind cut so as to separate the capillary tube into two parts which are aligned with each other, in that the cut has a first plane face perpendicular to a longitudinal axis of the capillary tube, and in that the component is positioned on the first plane face.

Regarding the rejection, Hehlen does not teach, suggest, or disclose the component is positioned on the first plane face which is perpendicular to a longitudinal axis of the capillary tube, as recited in claim 7. Specifically, Hehlen suggests that isolator element is positioned within the optical pathways of waveguides and be securely held within the trench. (See. Hehlen col. 7, lines 20-24 and Fig.3) Hehlen merely suggests that the trench has sidewalls which are perpendicular to the substrate upper major surface, causing isolator element to be oriented orthogonally with respect to the substrate plane. (See. Hehlen col. 7, lines 33-38). The isolator element is not directly positioned on sidewalls. In contrast, the present invention discloses different positioning of optical component as recited in claim 7. Therefore, for at least this reason, claim 7 should be patentable and the rejection should be withdrawn.

Claims 8, 9 and 17 depend from or otherwise include all features of claim 7, and are considered patentable at least for the reason advanced with respect to claim 7. Claims 8, 9 and 17 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

Accordingly, for the above reasons, Applicants respectfully submit that the 35 U.S.C §103 rejection over Hehlen be withdrawn and all claims are now in condition for allowance.

Each of Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that claims 1-18 are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN HAM & BERNER, LLP**



Kenneth M. Berner  
Registration No. 37,093

1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
**Date: August 21, 2008**  
KMB/CY/cac